

positively
Minnesota
Department of Employment
and Economic Development

January 13, 2004

Commissioner
Social Security Administration
P. O. Box 17703
Baltimore, Maryland 21235-7703

RE: Comment on Proposed Rules regarding the Reinstatement of Entitlement
(Expedited Reinstatement) provision of Section 112 of the Ticket to Work and Work
Incentives Improvement Act of 1999

Dear Commissioner:

As the Director of the public Vocational Rehabilitation program in Minnesota, I would like to comment on the proposed rules regarding reinstatement of entitlement under the Ticket to Work Program.

The Ticket to Work and Work Incentives Improvement Act of 1999 was intended to encourage Social Security disability beneficiaries and SSI recipients to take risks and attempt gainful employment by providing new work incentives and removing perceived disincentives. A new work incentive was protection from a Continuing Disability Review while the Ticket was in use. The proposed rules for Expedited Reinstatement essentially negates this work incentive by requiring a medical review if the employment does not work out and the individual needs to return to benefits. Many individuals with disabilities will be hesitant to use their Ticket out of fear that attempting employment will lead to a medical review and termination of benefits.

The current medical review diary date system has worked well in identifying individuals who have had medical recovery. It is suggested that instead of requiring a medical review at time of application for Expedited Reinstatement, the person should not be subject to a review until their next diary date. This would alleviate the fear that attempting employment will trigger a review.

The final rule, and any subsequent marketing materials developed by the Social Security Administration, should discuss the interface between SSA, Unemployment Insurance, and the Workforce Investment Act. Many individuals who voluntarily use their Ticket to exit the SSA system will not be eligible for Expedited Reinstatement. It is important that people understand that if employment ends due to non-disability related factors the person will most likely be eligible for Unemployment Insurance benefits and employment-related services through their local Workforce Investment Act service provider. Many individuals with substantial disabilities are not aware of these "mainstream" services.

Rehabilitation Services
Department of Employment and Economic Development

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Commissioner - Social Security Administration

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Minnesota is committed to assisting SSA beneficiaries achieve meaningful employment with earnings sufficient to eliminate dependence on SSA cash benefits. We look forward to continuing to work with the Social Security Administration as we implement our Ticket to Work program.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard E. Glad", is written over a horizontal line.

Howard E. Glad
Director
Rehabilitation Services

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